IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

FIRST APPEAL NO.105 OF 1998.

The State of Maharashtra : Appellants.

versus

Barkibai Balaram Bhagat & ors. : Respondents.

Mr.S.N.Gawade, AGP, for the State.

Mr.S.G.Surana for Respondent No.1.

CORAM : D.G.DESHPANDE,J.

DATED : 9th March 2005.

ORAL ORDER

1. Heard the learned AGP for the State who has filed this appeal challenging the order of the Reference Court awarding compensation at the rate of Rs.30/- per sq.mtr. to the land which was in Panvel area and, Mr.Surana for Respondent No.1 - claimant.

2. According to the learned AGP, this Court has decided so many land acquisition Appeals arising from that area on the basis of the judgment dated 16th March 2000 of Division Bench (comprising of Justice A.P.Shah and Justice J.A.Patil) in a Group of Appeals, one of them is First Appeal No.875 of 1985, and the criteria applied by the Division Bench, that is the proximity of the acquired land from the National Highway was accepted. In Appeal No.695 of 1992 and ors. decided by this Court the same criteria was applied. In Appeal No.695 of 1992 the distance of the acquired land from the national highway was 320 mtrs. and, therefore, Rs.25/- per sq.mtr was given as proper and adequate compensation. In this present case, the distance of the acquired land from the Bombay Pune National High Way is 600 mtrs. and it was 900 mtrs away from Diva Panvel Railway Station and, therefore, on the basis of criteria fixed by the Division Bench of this Court in Appeal No.875 of 1985 and ors and applied by this Court in Appeal No.695 of 1992 & ors., referred to above, Rs.25/- per sq.mtr. would be proper compensation. This appeal is, therefore, required to be allowed to

that extent. Hence the order :-

:ORDER:

The appeal is partly allowed.

Compensation awarded to the claimants at the rate of Rs.30/- per sq.mtr. is reduced to Rs.25/- per sq.mtr.

No order as to costs.

[D.G.DESHPANDE]

09/03/2005 JUDGE.